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ANNUAL REPORT

July 1, 1949 to June 30, 1950

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Mass: STATE PLANNING BOARD

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July 1, 1950

To the Honorable Senate and  
House of Representatives in  
General Court Assembled:

The Massachusetts State Planning Board herewith submits its report for the fiscal year ending June 30, 1950.

The term of John L. Robbins of Great Barrington, who had served on the Board from December 1944, expired in September, 1949. Pressure of personal business prevented Mr. Robbins from accepting a reappointment. He had ably represented the western part of the State for a period of almost five years and had made a valuable contribution to the work of the Board. It was with extreme regret that his resignation was accepted.

Robert T. Barnicle of Fitchburg was appointed in Mr. Robbins' place for a six-year term, expiring September 18, 1955.

This year saw the retirement of the Board's first Chairman and Executive Secretary. Miss Elisabeth M. Herlihy had served in this dual capacity. She was appointed Chairman of the Board upon its creation in 1935 and a year later, the Board voted to name her its Executive Secretary. Under Miss Herlihy's guidance, the Board achieved preeminent status in the field of planning. Her retirement as Executive Secretary was necessitated by statutory age limitations on service for the State. Due to this limitation, Miss Herlihy's services as Executive Secretary terminated on March 31, 1950.

Daniel P. McGillicuddy was appointed Executive Secretary to succeed her.

Miss Herlihy resigned her membership on the Board in June, 1950. Mr. Barnicle was designated by the Governor as Chairman of the Board.

The ex officio membership of the Board was also affected during the current year. Richard K. Hale, Director of the Division of Waterways of the Department of Public Works, and Arthur D. Weston, Director of the Division of Sanitary Engineering of the Department of Public Health, both retired from the State service, General Hale in March, 1950 and Mr. Weston in January, 1950. General Hale had been designated by the Commissioner of Public Works in 1935 as his official representative on the Board. He served in that capacity until his retirement this year. In addition General Hale had represented the Commissioner of Public Works on the Metropolitan Planning Board until the functions and duties of that Board were absorbed by the State Planning Board in 1941. From the creation of the Board in 1935 until 1941, he also served as liaison between the Metropolitan Planning Board and the State Planning Board. He gave unstintingly to the Board the benefit of his broad technical knowledge based upon his professional training and his thirty years' experience with the Department of Public Works in positions of major responsibility.

Francis V. Matera was designated by the Commissioner of Public Works to succeed General Hale as his representative on the Board.

Mr. Weston was officially designated by the Commissioner of Public Health as his representative on the Commission in April, 1943. However he had attended very many meetings of the Board previous to that time by special designation of the Commissioner. These special designations extended back to the creation of the Board in 1935 and, like General Hale, his contribution to the work of the Board is immeasurable.



Upon Mr. Weston's retirement, Clarence Sterling, who succeeded him as Director of the Division of Sanitary Engineering, was designated by the Commissioner of Public Health as his representative on the Board.

A further resignation from the State service which affected the Board was that of Joseph F. Knox, Associate Sanitary Engineer of the Sanitary Division of the Department of Public Health. Mr. Knox attended many Board meetings in Mr. Weston's absence or inability to attend meetings, and the Board had the benefit of his long and valuable experience in the engineering service of the Department of Public Health. Mr. Knox resigned from the Department of Public Health to become Director of the New England Interstate Water Pollution Control Commission.

## TRANSPORTATION

### Highways

To further accelerate the State Highway Program His Excellency, the Governor, recommended the passage of a second, hundred million dollar bond issue. Legislation in process provides for allocation on a basis similar to that of the 1949 bond issue, i.e. eight million for Metropolitan District Commission projects and the remainder to Department of Public Works of which thirty-seven million is to be expended in the Boston Metropolitan Area and, except for one million for safety devices, the balance is to be spent throughout the rest of the State.

The 1950 bond issue bill will provide for a fifteen-year amortization period as compared to the ten-year terms of the 1949 act. Although the lengthening of the period to fifteen years is a step in the right direction, this Board believes that future bond issues should be for even longer periods in order to minimize the amortization demands upon the Highway Fund.

In its report on the Master Highway Plan for the Boston Metropolitan Area, the Joint Board established for that purpose recommended that there should be a similar plan for the entire State. To initiate such an arrangement this Board has been conferring with the Commissioner of Public Works.

### Aviation

Two airport reports, one covering the Berkshire, Merrimack-Bristol-Plymouth and Cape regions, and the other a State Airport Report summarizing all the previously published reports, were submitted to the Civil Aeronautics Administration for consideration and comment. Neither of these has been published owing to the status of the aviation industry, the obvious lack of demand for private planes and the fact that several existing airports and landing fields had been or were to be abandoned or discontinued. It was felt wiser to delay publication until the whole picture of aviation in the Commonwealth is clarified.

## WATER

### Flood Control

Two flood control dams and reservoirs that have been under construction in the Connecticut River Basin were completed during this fiscal year. These were the Tully Dam and Reservoir in Royalston, Massachusetts, and the Union Village Dam and Reservoir in Vermont. The West Peterboro Dam and Reservoir in New Hampshire in the Merrimack River Basin was also completed early in 1950.



In Massachusetts, in the Connecticut River Basin, three of the four flood control dams are now completed and the fourth, the Barre Falls Dam, is authorized and approved and only awaiting appropriation for its construction.

SHOW  
The Governor submitted to the Legislature a recommendation for the adoption of interstate compacts to cover flood control measures on the Connecticut and the Merrimack Rivers. These compacts varied very little from those submitted to the respective New England Governors in January 1949 by the New England Interstate Flood Control Committee. The Chairman of this Board and General Hale were members of that Commission. Up to this time, no action has been taken by the Legislature on this matter.

The Board has cooperated with the Army Engineers and other Federal flood control agencies. The report of the Army Engineers recommending the improvement of the Connecticut River from Long Island Sound to Holyoke was considered by the Board but action was deferred until it was officially submitted to it by the Governor.

The Board has also conferred with the U. S. Department of Agriculture on its report made in cooperation with the Soil Conservation Service. No action was taken with regard to this in view of the Board's feeling that the recommendations should be coordinated with those of other agencies having jurisdiction in flood control matters.

#### Sudbury Valley Report

Chapter 34 of the Resolves of 1949 provided that a special commission be established to be known as the Sudbury Valley Commission. The membership of this Commission was made up of the Chairman of the State Planning Board, the Commissioner of Agriculture, the Commissioner of Conservation and the Commissioner of Public Health, or their respective representatives. The Commission was directed to make a study of the Sudbury River and its tributaries and the lands and waters adjoining or connected therewith, including their present condition and possible future uses, development or improvement, especially in respect to the level, condition and flow of the river and its tributaries, the natural life found therein, including animals, birds, fish and vegetables, measures necessary for mosquito control, and the conditions affecting the agriculture, health, convenience and recreation of the inhabitants of the adjoining areas. The Commission was given an appropriation of \$3500 and directed to file its report on December 1 of the current year.

The Commission found it unfeasible to file its report in the time prescribed and obtained an extension. Its report dated March 10, 1950 became House No. 2351 of 1950. With the money at its disposal, the Commission enlisted the services of an expert in the field of planning and an expert in the field of hydraulic engineering. Likewise at its disposal were the services of the technical staffs of the four State departments represented on the Commission. The Commission determined that its mandate included a study of the Assabet River which joins the Sudbury River and the valley of the Concord River into which the combined Sudbury and Assabet Rivers flow. The drainage basin of these two rivers includes two cities and thirty-four towns, or a combined total land area of 257,327 acres.

Private associations and individuals, who over a period of years had been familiar with the problems of the Sudbury Valley, cooperated to the fullest extent and gave the Commission outstanding assistance, with the result that it was possible to submit a comprehensive report. There were five specific recommendations made to the Legislature and drafts of legislation to implement these were submitted, as follows:



Resolve providing for an investigation by the Department of Public Works relative to controlling the high and low water levels of the Concord and Sudbury Rivers

An Act creating a mosquito project in the Sudbury and Concord River Valleys

An Act authorizing the Commissioner of Conservation to acquire certain undeveloped land in the towns of Wayland and Sudbury

An Act authorizing the Commissioner of Conservation to acquire certain undeveloped land in the towns of Concord, Bedford and Carlisle

An Act authorizing the Commissioner of Conservation to acquire certain undeveloped land in the towns of Sudbury, Wayland and Framingham

Other recommendations by the Commission included voluntary action by State departments, local communities or cooperating agencies.

The recommendations to the Legislature resulted in the enactment of the following resolves:

Chapter 45 - Resolve providing for an investigation by the Department of Public Works relative to controlling the high and low water levels of the Concord and Sudbury Rivers.

Chapter 82 - Resolve authorizing the Department of Conservation to make an investigation and study relative to recreational facilities in the Commonwealth.

In addition to the State agencies directed by the resolve to participate in the study, the following private agencies and individuals made valuable contributions to the study:

Concord River Improvement Association - Henry S. Drinker, Jr., Pres.  
University of Massachusetts - David Rozman, Research Prof. of Economics  
Massachusetts Fish and Game Assn - A. H. Underhill, Executive Secretary  
Massachusetts Audubon Society - C. Russell Mason, Executive Director  
Trustees of Public Reservations - Henry M. Channing, Vice-President  
~~Middlesex County~~ Soil Conservation District - Andrew Ketchen, Chairman  
~~Middlesex County~~ Extension Service - Allister F. MacDougall, Director  
Museum of Cooperative Zoology, Harvard College - Ludlow Griscom, Research Ornithologist

Richard J. Eaton, Lincoln  
Samuel Hoar, Concord

The Army Engineers cooperated in the hydraulic studies which were made.

#### MUNICIPAL PLANNING

Upon recommendation of the Board, legislation was enacted as Chapter 98 of the Acts of 1949 to permit towns to regulate the removal of soil, loam, sand or gravel. The removal of soil, loam, sand or gravel may be regulated in the zoning ordinances of cities and towns having such ordinances. In the absence of zoning ordinances, attempts made by communities to provide such regulation by special bylaw have been held invalid by the court, the court at the same time pointing out that under Section 21 of Chapter 40 of the General Laws, the Legislature has added to the purposes for which ordinances and bylaws may be adopted. Accordingly the



Board recommended that this section be amended to permit towns to adopt bylaws for prohibiting or regulating the removal of soil, loam, sand or gravel from land not in public use in the whole or in specified districts of the town. A form of bylaw to cover the removal of soil, etc., was approved. This was worked out in cooperation with the State Department of Conservation, the Extension Service and other interested agencies. The following two amendments to the planning enabling act were enacted upon recommendation of this Board:

Section 81N of the Improved Municipal Planning Act authorized the modification, amendment and rescision of the approval of plans previously approved by a planning board. This provision was inserted because of the existence of a number of plans, some of them obsolete, which prevented or hampered the development of the land covered by the plan. This, however, gave rise to the fear that after the land had been sold or mortgaged, a rescision of the approval of the plan might render it impossible to use.

In order to avoid the possibility of upsetting the land titles, therefore the Board recommended that the provisions as to modification, amendment and rescision of an approval be maintained, but that the act be amended to provide that no titles or mortgages acquired in good faith for valuable consideration under the approval would be affected by a subsequent amendment, modification or rescision. This was enacted as Section 1 of Chapter 182 of the Acts of 1949.

Section 81-O of Chapter 41 of the General Laws enacted in 1947, included a provision that a Register of Deeds should not record a plan of proposed ways in a subdivision unless the plan had been approved by the Planning Board, provided the ways were situated in a town which had adopted the 1947 Municipal Planning Enabling Act. It had been found difficult of enforcement for the reason that there was no way that the Register of Deeds could tell whether the ways shown on the plan were existing ways laid out by the public authorities or proposed ways to be constructed by the person making the subdivision.

In order to relieve the Register of Deeds of the responsibility for determining whether the ways shown on a plan submitted for recording were new ways provided by the developer, thus requiring the approval of the planning board set up under the improved method of municipal planning, the Board recommended that legislation be enacted providing that no rights could be established in a proposed way, expressly or impliedly, unless they were shown on a plan approved by the planning board. This recommendation was enacted as Chapter 182 of the Acts of 1949.

The Board cooperated with the Massachusetts Federation of Planning Boards in redrafting the Zoning Enabling Act. This redraft did not involve any major change but was mainly a simplification and rearrangement of the act which it was felt was badly needed. The bill was referred to the Committee on Mercantile Affairs. The Board supported it before that Committee. The Committee recommended that the legislation be referred to the next General Court. This recommendation was accepted by the House. The Senate, however, refused to concur and voted that the bill be recommitted. The House refused to agree to the recommitment and the Senate accepted the refusal.

During the past year the Board has continued its program of advice and assistance to cities and towns in their planning and zoning work. These were divided approximately as follows: correspondence 50%; telephone 24%; office visits 18%; field visits 8%. There are in effect in the State 139 zoning ordinances and planning boards are established in 205 communities.

As part of its service in the community planning field, the following articles were contributed by the staff to the publication, "The Massachusetts Selectman" and were reprinted for distribution by this office:



"What is Town Planning?"  
 "Planning Pays Immediate Dividends"  
 "Growth May Raise Your Tax Rate"  
 "The Problem of Outlying Areas"  
 "Forecasting a Town's Growth"  
 "Don't Begrudge Your Park Lands"  
 "Good Civic Appearance Has Much Cash Value"

### INDUSTRY

Our Industrial Division had an unusual number of requests during the year for data regarding business trends in the Commonwealth, due perhaps to the unprecedented nature of the period. Particular attention was given to studies of individual localities, their prospective growth of population, commerce and industry. So many uses were found for studies the division already had made that plans were laid to extend the same work to a wider range of areas. In general, the economic conditions of the State improved throughout the year, with a widespread upsurge of public confidence.

The Board's index of Massachusetts industrial activity is published each month. It includes as component factors the index of industrial employment issued by the Department of Labor and Industries, the floor area of new building construction, consumption of electric current, pairs of shoes manufactured, and cotton textile mill activity, thus serving in a general way as a reflector of the entire business of the State.

With the same purpose of interesting the people of the Commonwealth in their own State, the staff also issues each week a page of miscellaneous facts entitled "Do You Know Massachusetts?" which is regularly published by about fifty local newspapers. In addition to matters of general or historic interest, such release includes a reference to some specific planning or zoning activity. The release is used by some 400 schools in the State as a source of information and suggestions of topics for class discussion.

### RECREATION

A survey of inland beach and boating facilities is underway. This survey is being made in cooperation with the Department of Public Health and the Department of Conservation. It is intended to serve the following purposes:

To give the Board factual data on which to base its findings as to whether additional facilities are needed and if so the best locations for such facilities;

To give information to the State Department of Public Health as to the adequacy of sanitary bathing facilities;

To give information to the Massachusetts Development and Industrial Commission.

The Board did not renew its recommendation with regard to the acquisition of ocean beaches because of advice from the Executive Department that the Governor intended to include in his inaugural address a recommendation with regard to the setting up of a Recreation Authority.



## MAPS

Maps published by the Board have been furnished to Federal, State and municipal agencies and to individuals at cost, in conformity with its established custom.

At the request of the Massachusetts Development and Industrial Commission the staff again revised the map showing the location of winter sport facilities, which is published in the Development Commission's "Massachusetts Ski Guide".

The staff has in preparation a map of the Commonwealth on a scale of one inch = two miles showing all ponds, lakes and streams.

The chart of State Organization, published jointly by the Commission on Administration and Finance, the State Library and the State Planning Board, was revised by the staff for republication.

A map of the Congressional Districts was prepared and there have been numerous requests for prints of this map.

The maps contained in the report of the Sudbury Valley Commission discussed previously in this report were prepared by the State Planning Board staff and the original of each of these maps is on file at the office of the Board.

## COOPERATION

The Chairman has continued to serve as an ex-officio member of the Commission on Interstate Cooperation and its committee on Water Resources. The Chairman also serves as a member of the Emergency Housing Commission which was created to assist in meeting the critical housing shortage. The life of this commission was extended by legislation in 1948 to 1953.

By direction, this office furnished the Governor's office with a classification of State-wide factual data. It also furnished that office statistical material in connection with the establishment of a steel industry in the State. An outline of historical data for 137 municipalities through which a suggested toll highway from the Connecticut to the New Hampshire line would traverse was likewise furnished the Governor.

The Board participated in the Governor's conference held in February on projects to make employment.

The Board cooperated with the Special Legislative Recess Committee studying the wholesale market relocation in Boston. It also worked with the Attorney General's office and the City of Westfield in preparing a protest to the Civil Aeronautics Administration against the suggested discontinuance by the commercial airlines of the use of Barnes Field in Westfield.

A brochure of State Institutions and a complete set of tracings of the State House were furnished the Legislative Recess Committee on the Structure of State Government.

Conferences have been attended by staff members and exhibits of maps and other material furnished for such conferences.



The following is a statement of appropriations and expenditures for the fiscal year - July 1, 1949 to June 30, 1950:

	<u>Appropriations</u>	<u>Expenditure</u>	<u>Balance</u>
Personal	\$59,115.00	\$53,104.34	\$6,010.66
Expenses	13,913.00	13,293.90	619.10

Departmental Income - \$141.72

Financial Statement Verified (Under requirements of C.7,S.19 GL)  
January 3, 1951

By Joseph A. Prenney for the Comptroller  
Approved for Publishing - Fred A. Moncewicz, Comptroller

Respectfully submitted

State Planning Board

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